

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK

TIN YAO LIN, ET AL.,

Plaintiff(s)

against

HAYASHI YA II, INC. D/B/A HAYASHI YA, ET AL.,

Defendant(s)

Index No. 08 CIV 6071

AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)  
SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at SUNNYSIDE, NEW YORK

That on 7/9/08 at 4:40 P.M., at 857 NINTH AVENUE, NEW YORK, NEW YORK

deponent served the within summons, and complaint on HAYASHI YA OF 9 AVENUE, LLC defendant therein named,  
SEE ATTACHED RIDER D/B/A HAYASHI YA N/K/A  
NEW HAYASHI YA, INC.

**INDIVIDUAL** by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as  
1. ☐ said defendant therein.

**CORPORATION** a DOMESTIC corporation, by delivering thereat a true copy of each to NIKKI NI  
2. ☒ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
knew said individual to be MANAGING AGENT thereof.

**SUITABLE AGE PERSON** by delivering thereat a true copy of each to a person of suitable age  
3. ☐ and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

**AFFIXING TO DOOR, ETC.** by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
4. ☐ usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐DESCRIPTION  
USE WITH  
1, 2, OR 3

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
defendant at defendant's last known residence, at and deposited  
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
addressed to defendant at defendant's actual place of business, at  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
communication was from an attorney or concerned an action against the defendant.

<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input checked="" type="checkbox"/> 100-130 Lbs.
	<input checked="" type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.☐The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).MILITARY  
SERVICE☐I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
the State or in the Federal statutes.

HE YI WENG

Notary Public, State of New York

No. 01WE6178606

Qualified in Kings County

Commission Expires Dec. 03, 2011

Sworn to before me on

7/10/08

PRINT NAME BENEATH SIGNATURE  
DI CONG JIANG

License No. 1220800

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TIN YAO LIN, ET AL.,

CASE NO.  
08 CIV 6071

-against-

RIDER TO AFFIDAVIT  
OF SERVICE

HAYASHI YA II, INC. D/B/A HAYASHI  
YA, ET AL.,

-----X

LIST OF DOCUMENTS SERVED:

- SUMMONS IN A CIVIL ACTION
- COMPLAINT
- INDIVIDUAL RULES AND PROCEDURES OF JUDGE SHIRA A. SCHEINDLIN
- ELECTRONIC CASE FILING RULES & INSTRUCTIONS
- INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK